

Kevin F. McCoy
Assistant Federal Defender
FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF ALASKA
601 West Fifth Avenue, Suite 800
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Attorney for Defendant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARCO A. RIVERA,

Defendant.

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

NO. 3:03-cr-00109-02-RRB

AFFIDAVIT OF COUNSEL

ss:

Kevin F. McCoy, being first duly sworn upon oath, deposes and says as follows:

1. I was appointed to represent Marco Rivera in connection with the original prosecution in this matter and, on his behalf, have asked for an order appointing the Federal Defender in connection with his 18 U.S.C. § 3582(c)(2) motion to reduce sentence.

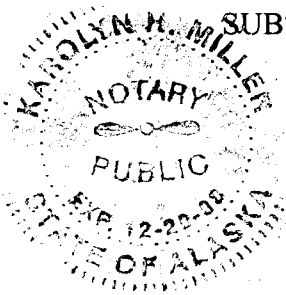
2. The motion to reduce sentence has been filed on shortened time because, as explained therein, proper application of the retroactive cocaine base amendment results in a 57-month sentence.

3. Mr. Rivera's current release date is June 28, 2008, and he has already served more than 57 months.

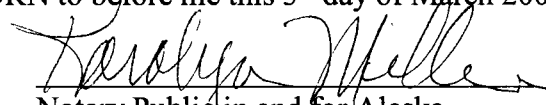
4. Accordingly, Mr. Rivera is asking the court and the government to expedite consideration of his motion to reduce sentence.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

/s/Kevin F. McCoy
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SUBSCRIBED AND SWORN to before me this 3rd day of March 2008.


Notary Public in and for Alaska
My Commission Expires: 12/20/2008

Certification:

I certify that on March 3, 2008,
a copy of the *Affidavit of Counsel*
was served electronically on:

Joseph Bottini
Assistant United States Attorney
U.S. Attorney's Office
222 West Seventh Avenue #9, Room 253
Anchorage, AK 99513-7567

/s/Kevin F. McCoy

United States v. Marco A. Rivera
Case No. 3:03-cr-00109-02-RRB